Claims 3-7 are amended and these amendments do not add new matter.

Rejections Under 35 U.S.C. § 112

Claims 3-7 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly to point out the distinctly claimed subject matter which the Applicants regard as the invention.

The Applicants respectfully traverse this rejection by stating the claims 3-7 have been carefully reviewed and revised to correct the informalities noted by the Examiner. Thus, the Applicants respectfully request that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

Claim 7 is rejected under 35 U.S.C. § 102(b) as being anticipated by Canadian Patent No. 977910 to Tupper (hereinafter "CA '910"). The Applicants respectfully traverse the above rejection.

The Examiner states that CA '910 discloses a hose having an inner hose connected to a fan suction inlet and an outer hose connected to a fan exhaust, an extension pipe, and a floor suction tube. The Applicants respectfully state that CA '910 does not disclose every element of the claimed invention. The Applicants have amended claim 7 to recite the limitation of "an air filter in the exhaust path." Support for this amendment is on page 5, lines 17-20; page 14, lines 24-25; and Figure 1 of the specification. CA '910 does not teach or disclose an air filter. Thus, CA '910 does not anticipate the present invention and withdrawal of the above rejection is respectfully requested.

Rejections Under 35 U.S.C. § 102(e)

Claim 7 is rejected under 35 U.S.C. § 102(e) as being anticipated by Takemoto, U.S. Patent No. 6,324,722. The Examiner states Takemoto discloses a hose having an inner hose connected to a fan suction inlet and an outer hose connected to a fan exhaust, an extension pipe, and a floor suction tube.

Applicants have amended claim 7 to recite the limitation that "said floor suction tool containing a rotation brush and a motor for rotating said brush." Support for this amendment is on page 9, lines 17-19; page 10, lines 1-9; and Figures 7 and 8 of the specification. Applicants respectfully direct the Examiner to Takemoto, column 5, lines 40-50, and Figure 16, wherein Takemoto discloses a downwardly opened suction chamber 36, formed in the suction port main body 34 but does not disclose a rotating brush. Thus, Takemoto does not anticipate the present invention and withdrawal of the above rejection is respectfully requested.

Claim 7 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,243,915 to Nakai et al. (hereinafter "Nakai"). The Examiner states that Nakai discloses a hose having an inner hose connected to a fan suction inlet and an outer hose connected to a fan exhaust, an extension pipe, and a floor suction tube.

Applicants respectfully state that Nakai issued on June 12, 2001 and has an earliest U.S. filing date of March 13, 2000. The present application was filed on December 6, 2000 and claims priority of Japanese Application No. 11-356060, filed December 15, 1999. Applicants submit herewith a certified literal English translation of the Japanese priority document along with a Certificate of Accuracy of Translation under 37 C.F.R. § 1.55 as Exhibit A.

The present application was filed on December 6, 2000 which is less than one year before the issue date of Nakai (June 12, 2001). Furthermore, the priority date for the

present application (December 15, 1999) pre-dates the U.S. filing date of Nakai (March 13, 2000). Accordingly, Applicants maintain that the above rejection is rendered moot, and respectfully request that the rejection be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claim 6 has been rejected under 35 U.S.C. § 103(a) as obvious over CA '910 in view of U.S. Patent No. 4,393,536 to Tapp. The Examiner admits that CA '910 does not disclose an agitator motor but that Tapp discloses an agitator motor and electric lines from the vacuum body to the motor that pass along the air circulation exhaust path. The Applicants respectfully traverse the above rejection.

The Applicants have amended claim 6 to specify that the electric lines pass "through" rather than along the air circulation guide path. As disclosed on page 13, lines 16-18 and Figures 9 and 10, electric lines 107 pass through exhaust channel 77, hollow shaft 78, and exhaust space 67. The Applicants respectfully state that neither CA '910 nor Tapp teach or disclose the present invention because Tapp's electric lines pass along, but outside of the air path. The Applicants respectfully state that Tapp's electric lines lead from the body to the motor and pass along the air circulation exhaust path. *See*, Tapp column 3, lines 47-49; and Figures 2 and 4. This is in contrast to the claimed invention. Thus, CA '910 and Tapp, alone or in combination, do not teach or suggest passing the electric lines through the air path.

Claims 3-5 define over the prior art based on their own recital and their dependency from independent claim 6. The Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection and request the withdrawal thereof in light of the amendments herein.

Claims 3 and 5 have been rejected under 35 U.S.C. § 103(a) as obvious over CA '910 in view of Tapp and further in view of U.S. Patent No. 6,032,327 to Oka et al. (hereinafter

"Oka"). The Examiner admits that CA '910 does not disclose directing of the exhaust onto the brush but states that Oka discloses directing exhaust along a rotation brush.

Applicants respectfully state that claims 3 and 5 define over the prior art based on their own recital and their dependency from amended claim 6. Thus, the argument above pertaining to Ca '910 and Tapp, apply to this rejection and the Applicants respectfully request withdrawal of thereof.

Claim 4 has been rejected under 35 U.S.C. § 103(a) as obvious over CA '910 in view of Tapp and further in view of Canadian Patent No. 972510 to Tupper (hereinafter "CA '510"). The Examiner admits that the combination of CA '910 and Tapp does not disclose a pivoting pipe but the Examiner states it would have been obvious to one of ordinary skill in the art to provide the pivoting pipe of CA '510 in the combination of CA '910 and Tapp.

Applicants respectfully state that claim 4 depends from amended claim 6. Thus, the argument above pertains to this rejection and the Applicants respectfully request withdrawal of this rejection.

CONCLUSION

In view of the foregoing, it is believed that claims 3-7 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be

resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hidetoshi FUKUOKA et al.

Serial No: 09/730,706

Group Art Unit: 1744

Confirmation No: 7997

Examiner: Theresa T. SNIDER

Filed: December 6, 2000

For: **ELECTRIC VACUUM CLEANER**

MARK-UP ACCOMPANYING RESPONSE TO OFFICIAL ACTION

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

November 1, 2002

3. (Twice Amended) [A] The electric vacuum cleaner according to claim 6, [wherein] being adapted so that the air in said [air circulation] exhaust path is directed in said floor suction tool toward said rotation brush in a direction to augment rotation of said rotation brush.

4. (Twice Amended) The electric vacuum cleaner according to claim 6, wherein:

said floor suction tool includes a suction tool body, a pivoting pipe movable up and down with respect to said suction tool body, a connection pipe pivotable in a circumferential direction with respect to said pivoting pipe;

said exhaust path passing through said tool body, said pivoting pipe and said connection pipe;

said electric lines passing along said pivoting pipe and said connection pipe;

said electric lines have a slack in the vicinity of said pivoting pipe and said connection pipe; and

said slack exceeding a pivoting distance of said pivoting pipe and said connection pipe.

5. (Twice Amended) An electric vacuum cleaner according to claim 6, being adapted so that exhaust air is guided to said rotation brush in a rotation direction of said rotation brush.

6. (Amended) An electric vacuum cleaner comprising:

a vacuum cleaner body containing a motorized fan;

a flexible hose connected to said vacuum cleaner body;

an extension pipe connected to said flexible hose;

a floor suction tool connected to said extension pipe, said floor suction tool containing a rotation brush and a motor for rotating said brush;

an exhaust path disposed in said vacuum cleaner body to guide an exhaust of said motorized fan into said flexible hose;

a path disposed in said flexible hose to communicate with said exhaust path in said vacuum cleaner body;

a path disposed in said extension pipe to communicate with said path in said flexible hose;

a path disposed in said floor suction tool to communicate with said path in said extension pipe;

said paths constituting an air circulation guide path passing from said body along said hose and said pipe to said floor suction tool;

said air circulation guide path including an air filter adapted to provide that the air in said guide path is clean air;

electric lines from said body to said motor for supplying electricity for rotating said rotation brush, said electric lines passing through said air circulation guide path whereby said electric lines are protected from contaminants in air moving therepast.

7. (Amended) An electric vacuum cleaner having a motorized fan with an exhaust outlet and a suction outlet and comprising:

elongated hose device having an inner hollow hose disposed in spaced apart relationship with an outer hollow hose;

means connected to one end of said hose device for connecting the inner hose to the suction inlet of the fan and connecting the outer hose to the exhaust outlet of the fan;

an elongated extension pipe device having an inner hollow conduit disposed in spaced relationship within an outer hollow conduit, one end of the pipe device being connected to the other end of the hose device with the inner conduit connected to the inner hose and thus

connected by the inner hose to the suction inlet of the fan and the outer conduit connected to the outer hose and thus being connected to the exhaust outlet of the fan;

a floor suction tool connected to the other end of the pipe device, said floor suction tool having a suction port connected to the inner hollow conduit of the pipe device and thus being connected to the suction inlet of the fan, said floor suction tool having an exhaust port connected to the outer hollow conduit of the pipe device and thus being connected to the exhaust outlet of the fan and forming an exhaust path;

an air filter in said exhaust path; and

said floor suction tool containing a rotation brush and a motor for rotating said brush.